

IN THE DISTRICT COURT OF THE UNITED STATES

for the Western District of New York

**MARCH 2023 GRAND JURY
(Impaneled March 24, 2023)**

THE UNITED STATES OF AMERICA

INDICTMENT

-vs-

Violations:

JAMES D. SUTTON

Title 18, United States Code,
Sections 2252A(a)(2)(A) and
2252A(a)(5)(B)
(4 Counts and Forfeiture Allegation)

COUNT 1

(Distribution of Child Pornography)

The Grand Jury Charges That:

On or about October 6, 2021, in the Western District of New York, the defendant, JAMES D. SUTTON, did knowingly distribute child pornography, as defined in Title 18, United States Code, Section 2256(8), using any means and facility of interstate and foreign commerce, and that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Section 2252A(a)(2)(A) and 2252A(b)(1).

COUNT 2

(Possession of Child Pornography)

The Grand Jury Further Charges That:

On or about February 7, 2023 in the Western District of New York, the defendant, JAMES D. SUTTON did knowingly possess material, that is an LG Model LM-G710VM cellular telephone bearing IMEI number 355933094455170, which contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8), that involved a prepubescent minor and a minor who had not attained 12 years of age, and that had been shipped and transported using any means and facility of interstate and foreign commerce; that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer; and that had been produced using materials that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Section(s) 2252A(a)(5)(B) and 2252A(b)(2).

COUNT 3

(Possession of Child Pornography)

The Grand Jury Further Charges That:

On or about February 7, 2023, in the Western District of New York, the defendant, JAMES D. SUTTON, did knowingly possess material, that is a Nokia Lumina 920 cellular telephone bearing IMEI number 353680054637220, which contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8), that involved a prepubescent minor and a minor who had not attained 12 years of age, and that had been shipped and transported using any means and facility of interstate and foreign commerce; that

had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer; and that had been produced using materials that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

COUNT 4

(Possession of Child Pornography)

The Grand Jury Further Charges That:

On or about February 7, 2023, in the Western District of New York, the defendant, JAMES D. SUTTON, did knowingly possess material, that is a Samsung model SM-T337A tablet computer bearing IMEI number 359027060648300, which contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8), that involved a prepubescent minor and a minor who had not attained 12 years of age, and that had been shipped and transported using any means and facility of interstate and foreign commerce; that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer; and that had been produced using materials that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

FORFEITURE ALLEGATION

The Grand Jury Alleges That:

Upon conviction of any of the offenses set forth in Counts 1 through 4 of this Indictment, the defendant, JAMES D. SUTTON, shall forfeit to the United States any property which contains a visual depiction of child pornography, pursuant to Title 18, United States Code, Section 2252(a)(1), and any and all property, real and personal, used, or intended to be used to commit or to promote the commission of such offense(s), pursuant to Title 18, United States Code, Section 2253(a)(3), and all property traceable to such property, including but not limited to the following:

- a. A LG Model LM-G710VM cellular telephone bearing IMEI number 355933094455170;
- b. A Nokia Lumina 920 cellular telephone bearing IMEI number 353680054637220; and
- c. A Samsung model SM-T337A tablet computer bearing IMEI number 359027060648300.

All pursuant to Title 18, United States Code, Sections 2253(a)(1) and 2253(a)(3).

DATED: Buffalo, New York, April 20, 2023.

TRINI E. ROSS
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A TRUE BILL:

S/FOREPERSON
FOREPERSON